

**Tom Marcelle  
Attorney-at-Law  
2 E-Comm Square, 3<sup>rd</sup> Floor  
Albany, New York 12207  
(518) 427-1720  
(518) 427-1764 - Fax**

October 8, 2008

FILED and SERVED ELECTRONICALLY

Honorable Gary L. Sharpe  
United States District Court Judge  
United States District Court  
James T. Foley U.S. Courthouse  
445 Broadway  
Albany, New York 12207

**Re: *Price et. al. v. Albany County Board of Elections*; 06-CV-1083**

Dear Judge Sharpe:

Please be advised that the plaintiffs in the above captioned case are not seeking nominal damages and withdraw the request for the same. Plaintiffs, therefore, would ask the Court to enter judgment.

Further, plaintiffs request that the Court allow 30 days from the date of the entry of judgment for a fee application pursuant to §1988 to be file. The time would allow the parties an opportunity to settle the issue without the need for a formal application.

Sincerely,  
/s  
Tom Marcelle  
TM/nep